

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

<b>JOE FITE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>NO. 1:25-cv-00018</b>
	)	
<b>GILES COUNTY GOVERNMENT,</b>	)	<b>JUDGE CAMPBELL</b>
	)	<b>MAGISTRATE JUDGE HOLMES</b>
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

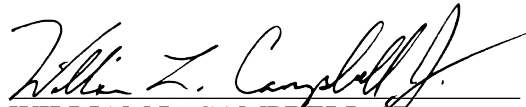
For the reasons stated herein, Defendant Giles County Government’s pending motion to dismiss (Doc. No. 13) filed under Federal Rule of Civil Procedure 12(b)(6) is **DENIED**.

In reviewing a Rule 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted, the Court construes the complaint in the light most favorable to the plaintiff, accepts its allegations as true, and draws all reasonable inferences in favor of the plaintiff. *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Directv, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007). To survive such a motion, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). A claim has facial plausibility when the plaintiff pleads facts that allow the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id.*

Plaintiff Joe Fite brings the present employment discrimination action against Giles County under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621, *et al.* for allegedly terminating his employment because of his age. (See Complaint, Doc. No. 1). Through its pending motion, Giles County argues the complaint in this matter must be dismissed because it fails to

establish a prima facie case of discrimination. (*See* Doc. No. 13-1 at 7-12).<sup>1</sup> The foregoing argument for dismissal fails because the “prima facie case under *McDonnell-Douglas* ... is an evidentiary standard, not a pleading requirement.” *Swierkiewicz v. Sorema*, 534 U.S. 506, 510 (2002); *see also id.* at 511 (“This Court has never indicated that the requirements for establishing a prima facie case under *McDonnell Douglas* also apply to the pleading standard that plaintiffs must satisfy in order to survive a motion to dismiss.”). Moreover, the present motion is premised on a view of the facts in the light most favorable to Giles County and asks the Court to resolve factual disputes in its favor, which the Court cannot do at the pleading stage. *See supra*. Accordingly, the County’s motion to dismiss (Doc. No. 13) is **DENIED**.

It is so **ORDERED**.

  
WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Giles County filed several exhibits in support of its motion, which the Court has not reviewed and does not rely on.